



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fallaux et al.

Serial No.: 10/618,526

Filed: July 11, 2003

For: PACKAGING SYSTEMS FOR
HUMAN RECOMBINANT ADENOVIRUS
TO BE USED IN GENE THERAPY

Confirmation No.: 5055

Examiner: D. Nguyen

Group Art Unit: 1632

Attorney Docket No.: 2578-3833.9US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 6, 2004
Date

Aubry Blackburn
Signature

Aubry Blackburn
Name (Type/Print)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as

defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56 (b) exists.

Pursuant to 37 C.F.R. § 1.98(d), a copy of any patent, publication or other information listed in the Information Disclosure Statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. § 120.

Accordingly, no copy of information marked with a pound sign (#) is enclosed because it was previously cited or submitted to the patent office in a prior application which is properly identified above, and is relied upon for an earlier filing date. The references are as follows:

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
#US- 5,707,618	01-1998	Armentano et al.
#US- 5,824,544	10-1998	Armentano et al.
#US- 6,040,174	03-2000	Imler et al.
#US - 6,051,430	04-18-2000	Plasterk et al.
#US - 6,140,103	10-31-2000	Einerhand et al.
#US - 6,203,975	03-2001	Wilson
#US - 6,204,052	03-20-2001	Bout et al.
#US- 6,210,939	04-2001	Gregory et al.
#US - 6,232,105	05-15-2001	Einerhand et al.
#US - 6,238,893	05-29-2001	Hoeben et al.
#US - 6,265,212	07-24-2001	Fallaux et al.
#US - 6,306,652 B1	10-23-2001	Fallaux et al.
#US - 2002/0102732 A1	08-01-2002	Fallaux et al.
#US - 2002/0173039 A1	11-02-2002	Fallaux et al.
#US - 2002/0164802 A1	11-07-2002	Fallaux et al.
#US - 2003/0104626 A1	06-05-2003	Fallaux et al.

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#US - 6,602,706 B1	08-05-2003	Fallaux et al.
#US- 2004/0087027 A1	05-2004	Gregory et al.

Foreign Patent Documents

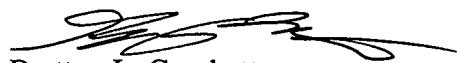
<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
#EP 117060	08-1984	Levinson
#WO 97/00326	01-03-1997	Introgen B.V.

Other Documents

#CHROBOCZEK et al., The Sequence of the Genome of Adenovirus Type 5 and Its Comparison with the Genome of Adenovirus Type 2, Virology, 1992, pp. 280-85, Vol. 186.

This Supplemental Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits. The fee pursuant to 37 C.F.R. § 1.17(p) is enclosed.

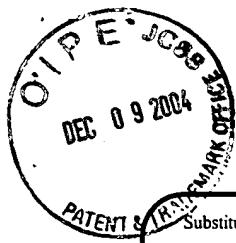
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Date: December 6, 2004
BLC/alb

Enclosures: Form PTO/SB/08



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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of

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Complete if Known	
Application Number	10/618,526
Filing Date	July 11, 2003
First Named Inventor	Fallaux et al.
Group Art Unit	1632
Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833.9US

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		#US- 5,707,618	01-1998	Armentano et al.	
		#US- 5,824,544	10-1998	Armentano et al.	
		#US- 6,040,174	03-2000	Imler et al.	
		#US-6,051,430	04-18-2000	Plasterk et al.	
		#US- 6,140,103	10-31-2000	Einerhand et al.	
		#US- 6,203,975	03-2001	Wilson	
		#US- 6,204,052	03-20-2001	Bout et al.	
		#US- 6,210,939	04-2001	Gregory et al.	
		#US- 6,232,105	05-15-2001	Einerhand et al.	
		#US- 6,238,893	05-29-2001	Hoeben et al.	
		#US- 6,265,212	07-24-2001	Fallaux et al.	
		#US- 6,306,652 B1	10-23-2001	Fallaux et al.	
		#US- 2002/0102732 A1	08-01-2002	Fallaux et al.	
		#US- 2002/0173039 A1	11-02-2002	Fallaux et al.	
		#US- 2002/0164802 A1	11-07-2002	Fallaux et al.	
		#US- 2003/0104626 A1	06-05-2003	Fallaux et al.	
		#US- 6,602,706 B1	08-05-2003	Fallaux et al.	
		#US- 2004/0087027 A1	05-2004	Gregory et al.	
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		#EP 117060	08-1984	Levinson		
		#WO 97/00326	01-03-1997	Introgen B.V.		

Examiner Signature	Date Considered
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¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

²Applicant's unique citation designation number (optional). ³See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁴Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08B(10-01)

Approved for use through 10/31/2002, OMB 0651-0031

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Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833.9JUS

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		#CHROBOCZEK et al., The Sequence of the Genome of Adenovirus Type 5 and Its Comparison with the Genome of Adenovirus Type 2, Virology, 1992, pp. 280-85, Vol. 186.	

Examiner Signature	Date Considered
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#Pursuant to 37 C.F.R. § 1.98(d), copies of the previously identified patents are not being provided since they were previously cited by or submitted to the Office in the following prior application:

Serial No.: 10/219,414

Filed: August 15, 2002

For: STOCKS OF REPLICATION DEFICIENT ADENOVIRUS, which application is being relied upon for an earlier filing date under 35 U.S.C. § 120.

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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